

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "ROTARY VALVE APPARATUS AND ASSOCIATED METHODS", the specification therefor being attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the U.S.A. listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the U.S.A. having a filing date before that of the application(s) of which priority is claimed:

NONE

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Serial No. 60/113,086

Filed December 21, 1998

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56 which occurred between the filing date of the prior application and the national

or PCT international filing date of this application:

NONE

And I hereby appoint J. RICHARD KONNEKER, Reg. No. 28,867; and MARLIN R. SMITH, Reg. No. 38,310 of the firm of KONNEKER & SMITH, P.C. my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I request that all correspondence be addressed to:

J. Richard Konneker, Esq.  
KONNEKER & SMITH, P.C.  
660 N. Central Expressway, Suite 230  
Plano, Texas 75074  
972/516-0030

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Philip W. Eggleston

Residence and Post Office Address: 1813 Sandra  
Sherman, Texas 75092

Citizenship: U.S.A.

Inventor's signature: Philip W. Eggleston

Date: 11-16-97

Docket No.: EGGL-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(INDEPENDENT INVENTOR)

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: "ROTARY VALVE APPARATUS AND ASSOCIATED METHODS", described in U. S. patent application filed concurrently herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

11-16-99  
DATE

  
PHILIP W. EGGLESTON